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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/420,419	10/19/99	RICE J	JJ-10-297US

PM82/0622

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EXAMINER	
CHEN, J	
ART UNIT	**PAPER NUMBER**
3636	7

DATE MAILED: 06/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/420,419	RICE, JOHN	
	Examiner	Art Unit	
	José V. Chen	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2000* .

2a)☒ This action is FINAL. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☐ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear from the language of the claims if applicant intended to claim a combination including a header or rim joist since a bracket is claimed with specific interconnection and dependency with a header or rim (dimension of the bracket dependent on the load of a header or rim) such header or rim not being positively claimed making the metes and bounds of the claims unclear and confusing to a potential infringer. Clarification and correction are required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bourassa et al. The patent to Bourassa et al teaches an L-shaped structure as claimed including an attachment plate(42) providing a means to attach, an anchoring plate (26) extending from the attachment plate, the attachment plate being U-shaped, centrally located openings, the bracket comprising a unitary metal body "dimensioned" to support a load..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bourassa et al. The patent to Bourassa et al teaches structure substantially as claimed as discussed above including anchoring structures. The provision of such anchoring structures at specific locations would have been a matter of desirability depending upon where strength of attachment is desired which would have been obvious and well within the level of ordinary skill in the art.

Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourassa et al as applied to the claims above, and further in view of "Simpson Strong-Tie Connectors" catalog, page 48, hanger LSU26. The patent to Bourassa et al teaches

structure substantially as claimed, as discussed above including an attachment and anchoring plate, the only difference being that there is not an extension wing at the juncture of the plates. However, member LSU26 teaches the use of including extensions to provide additional attachment structures for a joint to be old. It would have been obvious and well within the level of ordinary skill in the art to provide the structure of Bourassa et al with extension wings, as taught by member LSU26, since member LSU26 uses such structure as a conventional structure used in the same intended purpose of providing additional connecting structure for a bracket, thereby providing structure as claimed. With respect to claim 15, the use of different gauge steel is a matter of desirability and would have been obvious and well within the level of ordinary skill in the art since such knowledge is routinely taught in engineering courses such as Strength of Materials, Statics, Dynamics, Steel Construction.

Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin et al in view of Bourassa et al. The patent to Tobin et al teaches method of attaching substantially as claimed including a bracket plate having openings for increased concrete flow, the only difference being that the bracket structure is not a specific shape. However, the patent to Bourassa et al teaches the use of such a specific structure used for joint connection. It would have been obvious and well within the level of one having ordinary skill in the art to modify the method of attaching of Tobin et al to include the specific shape , as taught by connecting bracket of Bourassa et al, such structures used in the same intended purpose of providing joint connection, thereby providing structure as claimed.

Claims 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobin et al in view Bourassa et al as applied to the claims above, and further in view of

"Simpson Strong-Tie Connectors" catalog, page 48, hanger LSU26. The patent to Tobin et al in view of Bourassa et al teaches method of attachment structure substantially as claimed, as discussed above including an attachment and anchoring plate, the only difference being that there is not an extension wing at the juncture of the plates. However, member LSU26 teaches the use of including extensions to provide additional attachment structures for a joint to be old. It would have been obvious and well within the level of ordinary skill in the art to provide the structure of Tobin et al in view of Bourassa et al with extension wings, as taught by member LSU26, since member LSU26 uses such structure as a conventional structure used in the same intended purpose of providing additional connecting structure for a bracket, thereby providing structure as claimed. . With respect to claim 16, the use of different gauge steel is a matter of desirability and would have been obvious and well within the level of ordinary skill in the art since such knowledge is routinely taught in engineering courses such as Strength of Materials, Statics, Dynamics, Steel Construction.

Response to Arguments

Applicant's arguments filed 12-27-00 have been fully considered but they are not persuasive. With respect to the amendments to claims 1, 8, it is noted that the bracket member of Bourassa et al and Bourassa et al in view of the other references teach all structure as claimed. The limitation that the bracket be dimensioned to support a load does not further limit what is taught in Bourassa et al since the bracket of Bourassa et al can support a header or rim joist depending upon the size of such structure which can be an infinite number of sizes. Further, applicant's amendment necessitated the 35 USC 112 rejection, second paragraph.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to José V. Chen whose telephone number is (703) 308-3229. The examiner can normally be reached on m-f,m-th 5:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Cuomo can be reached on (703)308-2168. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703)308-3691 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-2168.

José V. Chen
Primary Examiner
Art Unit 3636

Chen/jvc
June 21, 2001